

13072

PLM-2

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-194733

DATE: March 10, 1980

MATTER OF: Colonel LeRoy L. Ohrt, USAF, (~~Retired~~)

DIGEST: When a military member submitted no evidence showing the weight of his household goods shipment as determined by the military to be erroneous, GAO must rely on the military's determination showing the shipment to have been over the member's weight allowance. The facts that the total shipment was not reweighed as requested by the member and that he had not exceeded his weight allowance in previous shipments are not sufficient evidence to show that the weight as established by weighing of the shipment at origin was incorrect.

(Protest Against)

Colonel LeRoy L. Ohrt, USAF, Retired, appeals our Claims Division's disallowance of his claim for refund of the \$233.16 he was charged for the excess weight of his household goods shipped in December 1975. Colonel Ohrt claims that he should be relieved of the charge because some of his goods were lost and because his shipment was not reweighed at destination, as he requested. For the following reasons Colonel Ohrt's claim may not be allowed.

Colonel Ohrt filed a damage claim for the lost goods, which the Air Force apparently paid. However, Colonel Ohrt states that his claim was not complete because he could not remember all of the contents of the lost boxes. In the course of settling his claim, the Air Force estimated the weight of the missing items at 375 pounds. The Air Force then reduced Colonel Ohrt's overweight charge from \$292.64 to \$233.16 to allow for the missing 375 pounds. Colonel Ohrt now contends that he should be relieved of liability for the remainder of the excess weight charge to make up for not having been paid damages for the unknown contents of the missing boxes.

Colonel Ohrt has not offered any evidence as to the weight of the missing boxes. Therefore, we must rely

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on the agency's administrative report. B-194961, July 23, 1979. The Air Force has already adjusted Colonel Ohrt's bill to account for 375 pounds of missing items, and there is no basis for any further reduction of the excess weight charge. There is no authority for the Government to pay transportation costs in excess of those authorized, and thus the Air Force was correct in requiring Colonel Ohrt to pay the remainder of the excess weight charge. B-194961, July 23, 1979.

The second basis for Colonel Ohrt's claim is that the carrier failed to reweigh his entire shipment as he requested. Colonel Ohrt states that he requested a reweigh because he had never been overweight on previous moves and because a copy of the weight slips on one of the trucks showed that the load had not been weighed for gross weight until 13 days after the pickup of the goods.

Colonel Ohrt's household goods were shipped in two loads. The first load was weighed twice. Its weight was recorded as 15,230 pounds before shipment and as 15,540 pounds at destination. The truck carrying the second load of 2,620 pounds was stolen and was not recovered until a month after the original shipment. It is from this second load that goods estimated at 375 pounds were lost. The second load was weighed only before shipment and not at destination.

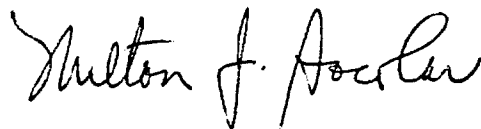
Applicable administrative regulations do provide for reweighs of household goods shipments when requested by a member. However, we have held that this regulation provides no basis for not charging a member for the excess weight charges when the weight of the household goods was properly established at the origin by weight certificates. B-190687, March 22, 1978; B-189015, September 6, 1977.

Finally, Colonel Ohrt's statement that he had never been overweight in previous moves is not relevant since we have held that evidence of the weight of household goods shipped in a previous move is not sufficient to show that a different weight in a subsequent shipment is erroneous. B-190541, November 28, 1977.

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In this case the total weight of the two shipments was established at origin. While only the larger portion was reweighed at destination, the weight established for that portion by the reweigh exceeded the weight for that portion at origin. Therefore, since no clear evidence has been provided to show that the origin weight, used by the Air Force in computing the excess weight charges, is incorrect, we must accept the Air Force's determination.

Accordingly, the disallowance of Colonel Ohrt's claim is sustained.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States